agreement be one to pay in something other than money, the law will award a money compensation for a breach. *Duerson et al. v. Bellows,* 1 Blackf. 217; *New York News Pub. Co. v. National S. S. Co.,* 148 N. Y., 39; *Perry v. Smith,* 22 Vt., 301; *Van de Vanter v. Redelsheimer,* 107 Wash., 847. The amount of money specified—not the value of the property—is the determining element. *Brooks v. Hubbard,* 3 Conn., 58. Furthermore it has been held that the intention of the parties is important in determining whether the defendant is to have the privilege of paying in money or a specified article. *Corey v. Phila. etc., Petroleum Co.,* 33 Cal., 694; *Sowers v. Earnhart,* 60 N. C., 96.

QUIETING TITLE—NATURE OF REMEDY—GROUNDS FOR RELIEF.—MAYNOR V. TYLER LAND CO., 139 S. W., 393 (Mo.)—*Held,* that in a suit to quiet title, the plaintiff is entitled to a decree, if his title be good against the defendant.

The rule stated in the leading case is supported by some other decisions. *DeNola v. Alison,* 143 Cal., 106; *Brewing Co. v. Taylor,* 204 Ill., 132. But many cases hold that in a suit to quiet title, the plaintiff must recover on the strength of his own title, and not on the weakness of his adversary's. *Land Co. v. Bigelow,* 77 Ark., 338; *Guarantee Co. v. Delta Co.,* 104 Fed., 5; *Krotz v. Lumber Co.,* 34 Ind. App., 577. An equitable title is enough as against one having neither title nor possession. *Lumber Co. v. Bailey,* 22 Ky. Law Rep., 1264. But the plaintiff can not base his suit on a mere right to specific performance *Hennefer v. Hays,* 14 Utah, 324. At least as against his vendor. *Chase v. Cameron,* 133 Cal., 231. A title based on adverse possession, good against the defendant, is sufficient. *Clemmons v. Cox,* 114 Ala., 350; *Vier v. Detroit,* 111 Mich., 646. So is a title obtained through fraud, where the grantors have not disaffirmed the transaction, and the defendant does not claim through them. *Ponce v. Long,* 38 Ind. App., 63. Most courts hold that the plaintiff must show that he is in possession. *Orton v. Smith,* 18 How., 263; *Hardin v. Jones,* 86 Ill., 313; *Haythorn v. Margerem,* 7 N. J. Eq., 324. Or that the land is unoccupied. *O'Brien v. Creitz,* 10 Kan., 202; *Lamb v. Farrell,* 21 Fed., 5. But a few decisions hold that this is unnecessary. *Lees v. Wetmore,* 58 Ia., 170; *Bausman v. Kelley,* 38 Minn., 197.

RAILROADS—TRESPASSERS ON TRACK—DUTIES OF RAILROAD.—SOUTHERN RAILROAD CO. V. CAMPBELL, 71 S. E., 934 (GA.)—*Held,* that a railroad company in the operation of its trains owes to a trespasser upon its tracks no duty, save that of not injuring him wilfully or wantonly.

A railroad track, except at public crossings or upon public highways, is the exclusive property of the railroad company; and all persons who go upon the tracks, except at such places, without the company's express or implied permission, are trespassers, and, subject to certain qualifications, do so at their own peril. *L. C. Ry. Co. v. Godfrey,* 71 Ill., 500; *Clark v. N. Y. C.,* 93 N. Y. Supp., 525. To avoid liability the company must have been simply in the exercise of ordinary care. *Remer v. Long Island Ry.,* 1 N. Y. Supp. 124. It would seem that the company's negligence must have